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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Syrian Arab Republic

1. The Committee considered the initial report of the Syrian Arab Republic (CRC/C/28/Add.2) at its 360th to 362nd meetings (CRC/C/SR.360-362) held on 16 and 17 January 1997 and adopted* the following concluding observations:

A. Introduction

2. The Committee wishes to express its appreciation for the constructive dialogue engaged with the delegation. While it welcomes the submission by the Syrian Arab Republic of its initial report and written answers to its list of issues (CRC/C/Q/SYR.1), the Committee regrets the lack of information provided on the implementation of the principles and provisions of the Convention in practice, preventing it from obtaining a more detailed picture of the situation of children within the country.

B. Positive factors

3. The Committee notes with appreciation that the Convention is fully incorporated into domestic law, and that the Civil Code and the Code of Criminal Procedure expressly provide that their provisions shall not apply in case they conflict with a provision of an international Convention in force in Syria. The Committee also welcomes the fact that a number of provisions of domestic law are currently being reviewed in order to ensure their conformity with the principles and provisions of the Convention.

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* At the 371st meeting, held on 24 January 1997.

4. The Committee welcomes the initiatives taken by the Government, such as the establishment at the ministerial level of a Higher Committee for Child Welfare, the setting up of a National Committee for Children to monitor the implementation of the Convention in Syria and the adoption of a National Plan of Action to implement the World Declaration on the Survival, Protection and Development of Children in the 1990s.

5. The Committee notes with appreciation that education is free of charge at all levels and that it has been made compulsory at the primary level by the Compulsory Education Act No. 35 of 1981.

6. The Committee further notes with appreciation the intention of the Government to publish its initial report, as well as the summary records of the debate with the Committee and the concluding observations adopted thereon.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that the State party, as a result of the occupation of a part of its territory, is not in a position to exercise control over all of its territory and consequently cannot ensure the implementation of the Convention in all parts of the country. The Committee also notes in this context that the important budget devoted to military expenditure and the insufficient budget allocated to the social sector may contribute to hampering the enjoyment by children of their rights under the Convention.

D. Principal subjects of concern

8. The Committee is concerned that the broad nature of the reservations made by the State party to articles 14, 20 and 21 of the Convention may cause misunderstandings about the nature of the State's commitment to implementing the rights covered by these articles.

9. While welcoming the existence of government bodies competent to deal with the welfare of children at the national level, the Committee expresses its concern at the insufficient coordination between these bodies as well as between national and local bodies in developing a comprehensive approach to the implementation of the Convention.

10. The Committee is concerned at the insufficient measures taken to systematically gather reliable quantitative and qualitative data on all areas covered by the Convention in relation to all groups of children, so as to evaluate progress achieved and to assess the impact of policies adopted with respect to children, with particular emphasis on education, health, child labour, refugee children and children belonging to minorities, the girl child, children involved with the administration of juvenile justice, disabled children, children victims of abuse or ill-treatment and children living and/or working in the street.

11. While acknowledging the initiatives undertaken to promote awareness of the principles and provisions of the Convention, the Committee remains concerned at the insufficient measures taken to ensure that the principles and provisions are made widely known to children, parents, officials and professionals working with and for children. In this regard, it is

particularly concerned that the training in the field of children's rights provided to members of the police force and other law enforcement officials, judicial personnel, teachers at all levels of education, social workers and medical personnel is insufficient and not systematic. The Committee is also concerned at the lack of measures taken to publish and disseminate the text of the Convention within the public, in formats intended both for children and adults and according to their levels of education.

12. The Committee notes with concern that the best interests of the child, the prohibition of discrimination and the respect for the views of the child and his or her right to participate in family, school and social life are not fully reflected in domestic legislation and implemented in practice. It is also concerned at the lack of conformity of relevant domestic laws with the definition of the child under the Convention, especially at the low age of criminal responsibility (7) and of access to employment.

13. The Committee expresses its concern at the persistence of discriminatory attitudes towards girls, including the practice of early marriage, and towards children born out of wedlock. Moreover, the lower marriageable age for girls than for boys raises questions as to its compatibility with the Convention, in particular article 2.

14. As regards the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of the State's available resources, with particular emphasis on health and education. The Committee is particularly concerned at the insufficient policies, measures and programmes for the protection of the rights of the most vulnerable children, especially children living in poverty, the girl child, disabled children, children victims of abuse, children belonging to minority groups and children who are living and/or working in the street.

15. The situation of refugee and Syrian-born Kurdish children is a matter of concern to the Committee in the light of article 7 of the Convention. In this regard, the Committee notes the absence of facilities for the registration of refugee children born in Syria, and that Syrian-born Kurdish children are considered either as foreigners or as maktoumeen (unregistered) by the Syrian authorities and face great administrative and practical difficulties in acquiring Syrian nationality, although they have no other nationality at birth.

16. With regard to education, the Committee notes with concern the high drop-out rates from the secondary level, especially among girls, the high teacher/student ratio and the lack of adequate learning and teaching facilities. The Committee further notes that the school curricula do not yet contain a programme on human rights and children's rights education.

17. The Committee is concerned at the lack of appropriate measures to combat and prevent ill-treatment and abuse within the family and to provide physical and psychological recovery and social reintegration to children victims of such ill-treatment and abuse, and at the lack of information provided on this matter. The Committee also notes with concern that disciplinary measures in schools often consist of corporal punishment although it is prohibited by law.

18. The Committee notes with concern that the minimum age for employment of children is too low and that children working in family enterprises are not protected by the relevant provisions of Labour Act No. 91 of 1959, including on the minimum age of employment, the prohibition of night work and other protection measures with regard to harmful occupations. Furthermore, the Committee expresses its concern at reports of exploitation of child labour in the agricultural sector and at the lack of means available in rural areas to combat and prevent this phenomenon.

19. The Committee expresses its concern at the system of the administration of juvenile justice in the State party, which does not conform to articles 37 and 40 of the Convention and other relevant United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. It notes in particular that children may be deprived of liberty at a very low age and that sufficient attention has not been paid to date to find alternatives to institutional care of children.

E. Suggestions and recommendations

20. The Committee encourages the State party to review its reservations to articles 14, 20 and 21 of the Convention. In this regard, the Committee underlines that interpretative declarations by the State party might have the desired effect of clarifying the State position in respect of these particular rights.

21. While it welcomes the establishment of the Higher Committee for Child Welfare and the National Committee for Children, the Committee recommends that further efforts be developed, through these committees, to increase and systematize vertical coordination between central and local administrations and bodies involved in the protection of the rights of the child and in the implementation of the various policies and programmes thereon.

22. The Committee recommends that the system of data collection be improved and that it identify appropriate and specific disaggregated indicators to allow the identification of sectors where further action is needed and the assessment of progress achieved in all areas covered by the Convention in all parts of the country and with regard to all groups of children, including children in especially difficult circumstances. The Committee notes the willingness of the State party to receive technical assistance in this particular area and it recommends that cooperation be developed with UNICEF. The Committee also suggests that the State party consider incorporating in its National Plan of Action data reflecting all areas covered by the Convention.

23. The Committee also recommends that the State party continue and increase its activities in the field of the promotion of public awareness of the principles and provisions of the Convention, in the light of article 42 of the Convention, and that it set up programmes for the continuous training of officials and professionals working with and for children, including members of the police force and other law enforcement officials, judicial personnel, teachers at all levels of education, social workers and medical personnel. The Committee also recommends that, within the review of the school curricula currently under way, special emphasis be made on the incorporation of the general principles of the Convention in the programmes of education.

24. The Committee recommends that the State party pursue its efforts with a view to ensuring full conformity of its national laws with the Convention, having due regard for the general principles of the Convention, in particular those relating to the best interests of the child, the prohibition of discrimination and the respect for the views of the child and his or her right to participate in family, school and social life. In this regard, the Committee recommends that specific provisions be incorporated wherever appropriate, in the law to reflect those principles and that the provisions relating to the minimum age of marriage for girls, the age of criminal responsibility, the minimum age of access to employment and work in family enterprises be reviewed and brought into line with the principles of the Convention as a matter of priority.

25. The Committee recommends that information campaigns be launched to prevent and combat prevailing discrimination against girls. The Committee also recommends that appropriate pro-active measures be adopted for the protection of children born out of wedlock.

26. The Committee also recommends that, in the light of article 4 of the Convention, priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by children belonging to the most disadvantaged groups. In this regard, the Committee suggests that the ministries responsible for overall planning and budgeting be fully involved in the activities of the Higher Committee on Child Welfare and the National Committee on Children, with a view to ensuring that their decisions have a direct and immediate impact on the budget.

27. As regards the enjoyment of their rights under article 7 of the Convention by refugee children born in Syria and by Syrian-born Kurdish children, the Committee underlines that the right to be registered and to acquire a nationality should be guaranteed to all children under the Syrian Arab Republic's jurisdiction without discrimination of any kind, irrespective, in particular, of the child's or his or her parents' or legal guardians' race, religion or ethnic origin, in line with article 2 of the Convention. The Committee also recommends that the State party consider the ratification of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1961 Convention on the Reduction of Statelessness.

28. The Committee recommends that special attention be paid by the authorities to the problem of ill-treatment and abuse of children within the family and of corporal punishment in schools. In this regard, the Committee stresses the need for information and education campaigns to prevent and combat the use of any form of physical or mental punishment within the family or in schools, as well as for the establishment of a complaint mechanism intended to benefit children victims of such ill-treatment or abuse. The Committee further recommends that mechanisms for the physical and psychological recovery and social reintegration of children victims of such ill-treatment and abuse be established.

29. The Committee further recommends that the provisions of Labour Act No. 91 of 1959 relating to the protection of children with regard to employment be reviewed and brought into line with the Convention, in

particular its article 32. The Committee suggests that the State party consider the ratification of ILO Convention No. 138 on minimum age for admission to employment.

30. The Committee recommends that the State party envisage undertaking a reform of the system of juvenile justice in the spirit of articles 37, 39 and 40 of the Convention and other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. To this end, the Committee suggests that the State party avail itself of the technical assistance programmes of the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat. The Committee further suggests that the setting up of an independent monitoring body to receive and consider complaints of children involved with the administration of juvenile justice be duly considered by the Syrian authorities.

31. The Committee recommends that, in view of the legislative review and adoption of policies by the State party in the spirit of the principles and provisions of the Convention, studies be conducted, in close cooperation with UNICEF and national and international non-governmental organizations, notably in the fields of health and family planning, education and human rights education, and early marriage and child abuse, including sexual abuse of children within the family.

32. Finally, while recalling the intention of the State party to publish its initial report, as well as the summary records of the debate with the Committee and the concluding observations adopted thereon, the Committee recommends, in the light of article 44, paragraph 6, of the Convention, that such publications be made widely available to the public at large in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.